

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

HB 2141 - SB 2394

March 2, 2022

SUMMARY OF BILL: Creates the “Board Business Flexibility Act”, which authorizes a governing body of the executive branch to allow participation by electronic or other means of communication by the public and board members in meetings authorized by law. States that a member who is participating remotely is deemed physically present at the meeting for purposes of voting and establishing a quorum, but not for purposes of receiving compensation if the eligibility for compensation is dependent upon physical presence.

Requires that the governing body meet no less than once each calendar year with an in-person quorum and failure to do so must be reported to the Secretary of State (SOS) by January 15.

Requires that if two or more members of a governing body participate in a meeting in person, the physical location of the meeting must be shared to allow members of the public to physically attend. If one or more members of the governing body participate electronically or by other means of communication, then a notice is required that must specify the means by which a member of the public may electronically access the meeting.

FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- Tennessee Code Annotated § 8-44-108(b)(1) states that certain governing bodies may allow participation in meetings by electronic means if a physical quorum is present of determination of necessity exists. Members who participate electronically are not eligible to receive per diem.
- Pursuant to Tennessee Code Annotated § 8-44-103, any such governmental body which holds a public meeting shall give adequate public notice of such meeting. Requiring additional information in a public notice will not result in any fiscal impact.
- It is assumed that requiring governing bodies which utilize electronic means of meeting to make such meetings electronically accessible to the public will not result in any significant fiscal impact.
- It is assumed that any increase in workload by the SOS for collecting reports can be handled within existing resources and personnel.
- It is assumed that all boards are currently meeting in-person at least once each year.

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- The proposed legislation does not increase the number of times governing bodies must meet per year, so there is no expected increase in per diems as a result of the act.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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